

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14530, of Mr. & Mrs. Morgan O'Brien, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) for a proposed addition to a dwelling in a R-3 District at premises 1236 Potomac Street, N.W., (Square 1219, Lot 828).

HEARING DATE: January 14, 1987
DECISION DATE: March 4, 1987

FINDINGS OF FACT:

1. The site is located on Potomac Street, N.W. between Prospect and N Streets, N.W. and is known as premises 1236 Potomac Street, N.W. The site is located in an R-3 Zone District and the Old Georgetown Historic District.

2. The site is rectangular in shape and is an unusually large lot relative to other lots located in the Georgetown area. Its dimensions are 35 feet on the east and west sides and 93.5 feet on the north and south sides. The lot has an area of 3,273 square feet with 35 feet of frontage on Potomac Street. There is no alley system adjacent to the subject property.

3. The property is improved with a two-story brick row house and an accessory structure. The accessory structure is a two-story brick carriage-house. The carriage house occupies the entire rear property line of the site and is currently used for storage. The distance between the row house and the carriage house is 23 feet, six inches.

4. The R-3 District extends in all directions from the site. The area immediately surrounding the property is dominated by two-and three-story row houses and low-density apartment buildings. The area is interspersed with a few low-density commercial uses. There are two commercial districts within two blocks of the site to the east is the Wisconsin Avenue commercial corridor and to the south is the M Street commercial corridor.

5. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking a variance from the rear yard requirements (Sub-section 3304.1) to construct a hallway addition to link the main structure to the carriage

house. The applicants intend to utilize the carriage house and the main structure as living quarters for their family.

6. The proposed one-story hallway addition is within the height, FAR, lot occupancy and other zoning requirements of the R-3 Zone District. The actual height of the one-story hallway would be approximately ten feet or three feet higher than the fence which exists at the stockade south boundary of the site. It would occupy approximately 144 square feet of the lot. The addition will be 23 feet six inches long and approximately six feet wide including a corridor and collonade.

7. The applicant's architect testified that the plans submitted of record represent the most appropriate way to link these buildings. The architect further explained that she explored a matter-of-right alternative which would permit an addition of approximately ten feet and two stories high to the rear of the townhouse. It was her opinion that this option would destroy the architectural integrity of the carriage house and its relationship to the main structure. The Board finds that the plans provide the least offensive alternative to the architectural, planning and historic preservation objections of the District.

8. A large addition to the rear of the main structure would obscure the view of the carriage house.

9. A yard measuring 37 feet nine inches in length will be provided between the main structure and the carriage house to the west of the addition.

10. The minimum lot size for the Zone District is 2,000 square feet. The lot is also unusual in size in relation to the structure's size. There is more open space on the lot than is typical for the square.

11. By letters dated January 8, 1987 and February 10, 1987, Advisory Neighborhood Commission (ANC) 2E recommended that the application be denied as it "met with considerable community opposition". The application was considered at three ANC meetings. The Board does not concur with the recommendations of the ANC.

12. Two persons, including the neighbor living immediately south of the site, testified in opposition to the proposal. These persons stated that they believed that an addition higher than approximately seven feet would block light and air in, and around, the subject property and adversely affect their property interests.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

Section 3304.1 of the Zoning Regulations requires a rear yard of 20 feet for the R-3 District. The proposed addition will extend from the main structure to the existing carriage house at the rear of the site necessitating a variance of 20 feet or 100 percent. The Board concludes that the applicant has met the burden of proof. The site is affected by unique or exceptional conditions which result in a practical difficulty to the owner. The site is unusually large for the Georgetown area. The site is located in a historic district and improved with historic structures. A carriage house currently exists at the rear of the site, effectively providing no rear yard for the site. However, the Regulations require that the rear yard be measured from the back of the main structure. Even with the addition, a yard measuring 37 feet nine inches will be provided between the main structure and carriage house. A two-story addition extending the length of the rear of the existing structure could be constructed as a matter-of-right. Such an addition would not be architecturally compatible with the existing historic structures. The proposed addition is designed to harmonize with the historic style of the area and is compatible with the site and area.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 32A of the record.

VOTE: 5-0 (Patricia N. Mathews, Charles R. Norris,
Paula L. Jewell, William F. McIntosh and
Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

MAY 8 1987

FINAL DATE OF ORDER: _____

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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